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June 22, 2005

The Honorable William M. Thomas  
Chairman, House Committee on Ways and Means  
1102 Longworth HOB  
Washington, DC 20515

The Honorable Tom Davis  
Chairman, House Committee on  
Government Reform  
2157 Rayburn HOB  
Washington, DC 20515

Dear Chairman Thomas and Chairman Davis,

You may have read news reports recently about the emergency action taken by the Social Security Administration (SSA) to share personal information with law enforcement during the 9/11 investigation. I am writing to respectfully urge you to hold hearings both in the Ways and Means Committee and Government Reform Committee on this issue and the general oversight of the SSA. For the potential civil liberties issues that could arise, I am concerned that the SSA apparently gave no notification to Congress when it decided to change its rules and that there has been no real oversight of the SSA's actions.

Recently, the Electronic Privacy Information Center received documents via a FOIA request showing that the SSA decided to change its rules on an "ad hoc" basis mere days after 9/11 so that it could share personal records with law enforcement. I wrote SSA Commissioner Jo Anne B. Barnhart about this issue on May 27, 2005, but have yet to hear back (a copy of that letter is enclosed). In today's *New York Times* (*Social Security Opened Its Files for 9/11 Inquiry*, June 22, 2005), it also came to light that the rules have yet to be changed back to their prior state and that the Internal Revenue Service has also worked with law enforcement and SSA to share taxpayer information (a copy of that article is also enclosed). SSA also used rules change to work with law enforcement during the Washington, D.C. sniper investigation.

It seems that, in the specific and extreme instance of 9/11, SSA may have acted correctly, but the lack of general knowledge about its actions leads to bigger and more troubling questions:

- Why did Congress apparently not find out until now – after a FOIA request by an outside privacy organization – about the sharing of personal information?
- Why did the SSA apparently fail to notify Congress?
- Is it necessary to maintain the rule change even now?
- What are the long-term implications of these "ad-hoc" rules?
- What action can we in Congress take to guarantee that we know when SSA wants to share personal information in the future?

I believe that these are questions that Congress should be asking, and hearings would go a long

way toward answering them. I hope that you share my concern for this issue, and I thank you for considering holding hearings on this matter.

Sincerely,

  
CAROLYN B. MALONEY  
Member of Congress

cc: Rep. Charles Rangel  
Rep. Henry Waxman